

**BEFORE THE
COMMISSION OF LANDLORD TENANT AFFAIRS
FOR MONTGOMERY COUNTY, MARYLAND**

In the Matter of:

Sykeena Mitchell

Complainant

V.

Deborah Lambkin

Respondent

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Case No. 31323

In the Matter of:

Deborah Lambkin

Complainant

V.

Sykeena Mitchell

Respondent

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Case No. 31491

Rental Facility: 3028 Shepperton Terrace, Silver Spring, MD 20904 (Rental License No. 24145)

BACKGROUND

On December 18, 2009, Sykeena Mitchell (the “Complainant”), former tenant at 3028 Shepperton Terrace, Silver Spring, MD (the “Property”), a licensed single family rental facility in Montgomery County, Maryland, filed a formal complaint with the Office of Landlord-Tenant Affairs within the Department of Housing and Community Affairs (the "Department"), identified as Case No. 31323; in which the Complainant alleged that Deborah Lambkin (the “Respondent”), owner of the Property, failed to refund any portion of her security deposit plus accrued interest after the termination of her tenancy, in violation of § 8-203 (e)(1) of the Real Property Article, Annotated Code of Maryland, 1999, as amended (“Real Property Article”).

On March 3, 2010, the Respondent filed a cross-complaint with the Department identified as Case No. 31491, in which she alleged that her former tenant abandoned the Property; and, that she was entitled to damages including rent, unpaid water bill and physical damages to the Property beyond normal wear and tear.

After determining that these complaints were not susceptible to conciliation, the Department duly referred these cases to the Commission on Landlord-Tenant Affairs (the "Commission") for its review, and on April 6, 2010, the Commission voted to accept jurisdiction of them, and scheduled a public hearing originally for May 19, 2010, at 6:30 PM. Due to scheduling conflicts, the Commission rescheduled the hearing twice, once for August 3, 2010, at 6:30 PM; and a second time for August 9, 2010 at 6:30 PM.

The record reflects that both the Complainant and the Respondent were given proper notice of the rescheduled hearing dates and time (See pages 144, 153 and 156 of Commission's Exhibit No. 1A). Present at the hearing was the Respondent Deborah Lambkin. The Complainant, Sykeena Mitchell, failed to appear.

The record also reflects that, Deborah Lambkin, regarding Case No. 31491 expressed to the Commission her desire to not pursue her case against her former tenant.

ORDER

In view of the foregoing, it is the ruling of the Commission that based on Complainant Sykeena Mitchell's failure to appear at the rescheduled public hearing on August 9, 2010, after being properly notified, and her failure to bring forward her case-in-chief, this 9th day of August, 2010, Case No. 31323 is hereby **DISMISSED** with prejudice.

It is also the ruling of the Commission that, Case No. 31491, this 9th day of August, 2010, is hereby **DISMISSED** with prejudice.

The foregoing decision was concurred in unanimously by Commissioner Laura Murray, and Commissioner Denise Hawkins, Panel Chairperson.

Any party aggrieved by the action of the Commission may file an administrative appeal to the Circuit Court of Montgomery County, Maryland, within (30) days from the date of this Order, pursuant to the Maryland Rules governing administrative appeals.

Denise Hawkins, Panel Chair
Commission on Landlord-Tenant Affairs